

**Before the
Federal Communications Commission
Washington, D.C. 20544**

In the Petitions of)	
)	
La Plata County, Colorado)	
)	
For Modification of the Television Market)	File No. CSR-8929-A
of Station KMGH (ABC), Channel 7)	
Denver, Colorado with Respect to DISH)	
Network and DIRECTV)	
)	
For Modification of the Television Market)	File No. CSR-8930-A
of Station KUSA (NBC), Channel 9)	
Denver, Colorado with Respect to DISH)	
Network and DIRECTV)	

OPPOSITION TO PETITIONS FOR SPECIAL RELIEF

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Summary

In 2014 Congress added “access to in-state programming” as an additional factor to be considered along with four other longstanding factors when the FCC weighs and performs a market modification calculus. But that new factor is neither exclusive nor dispositive—rather, it is just one of several statutory factors bearing on the ultimate goal of localism. Neither Congress nor the Commission ever declared or suggested that the other longstanding statutory factors should be ignored, or that the Commission’s standardized evidentiary requirements should be waived, simply because modification would allow access to in-state television stations. To the contrary, in its *2015 Order* implementing STELAR, the Commission specifically held that “the in-state factor does not serve as a trump card negating the other four statutory factors.”

Yet the Petitions by La Plata County, Colorado, through its Board of County Commissioners, to add La Plata County to the local television markets of Denver Stations KUSA(TV) and KMGH-TV are based exclusively on the fact that La Plata County residents do not have access to “in-state” television stations. The Petitions do not contain the required evidence, and four of the five statutory factors do not support market modification: (i) the Denver Stations are not historically carried in La Plata County, (ii) the Denver Stations lack over-the-air coverage, geographic proximity, and a programming nexus to La Plata County, (iii) there is ample technical coverage and local programming of specific interest to La Plata County residents from Albuquerque stations KOAT-TV and KOB(TV), and (iv) the Denver Stations lack any meaningful audience in La Plata County. There is, therefore, no accounting or assessment of the evidence that could tilt the statutory factors in favor of modification.

For all of these reasons, the Petitions must be denied.

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KOAT Hearst Television Inc., licensee of ABC affiliate KOAT-TV, Albuquerque, New Mexico (“KOAT”), and KOB-TV, LLC, licensee of NBC affiliate KOB(TV), Albuquerque, New Mexico (“KOB” and, together with KOAT, the “Albuquerque Stations”), through counsel and pursuant to Rule 76.7 of the Commission’s rules, respectfully file and serve this consolidated Opposition to the Petition for Special Relief filed by La Plata County, Colorado, through its Board of County Commissioners (the “Board”) seeking to modify the local television market of ABC affiliate KMGH-TV, Denver, Colorado (“KMGH”) (the “KMGH Petition”) and the Petition for Special Relief seeking to modify the local television market of NBC affiliate KUSA(TV), Denver, Colorado (the “KUSA Petition” and, together with the KMGH Petition, the “Petitions”), to include La Plata County in southwest Colorado with respect to DISH Network (“DISH”) and DIRECTV. KMGH and KUSA are collectively referred to herein as the “Denver Stations.” If granted, the Petitions would result in La Plata County being removed from the Albuquerque-Santa Fe DMA

and added to the Denver DMA with respect to satellite carriage. For the reasons discussed below, the Petitions should be denied.

I. Background.

A. Market Modification for Satellite Carriage Enacted by STELAR

In 2014, Congress passed the Satellite Television Extension and Localism Act Reauthorization (STELAR),¹ which authorized the Commission to determine that particular communities are part of more than one local market for purposes of satellite carriage. In doing so, Congress “create[d] a satellite market modification regime very similar to that in place for cable, while adding provisions to address the unique nature of satellite service.”² As in the cable context, market modification is intended to enable broadcasters and MVPDs to “better serve the values of localism by ensuring that satellite subscribers receive the broadcast stations most relevant to them.”³

A unique feature of market modification proceedings for satellite carriage is that, unlike in the cable market modification context, the Commission has permitted county governments to file petitions seeking market alterations. The Commission has recommended that county governments consult with the affected television station before filing a petition for market modification because

¹ The STELA Reauthorization Act of 2014 (STELAR), Pub. L. No. 113-200, 128 Stat. 2059 (2014).

² *Amendment to the Commission’s Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014*, Report and Order, MB Docket 15-71, FCC 15-111 (Sept. 2, 2015) (hereinafter, “2015 Order”) at ¶ 7.

³ 2015 Order, ¶ 17.

“without the willing participation of the affected broadcaster, modifying the market of a particular television station, in itself, would not result in consumer access to that station.”⁴

Here, the Petitions indicate only that the Denver Stations have offered to negotiate with satellite carriers for carriage of their “local, in-state nonduplicative programming” and “to increase access to in-state news by Colorado viewers.”⁵ No market modification is necessary for the Denver Stations to license carriage of such programming directly to satellite carriers for retransmission in La Plata County.⁶ On the other hand, the reference by the Denver Stations to “local, nonduplicative programming” necessarily implies that those stations are *not* offering to negotiate for carriage of their *full* broadcast signals (including duplicating network and syndicated programs) for which market modification would likely be required.

B. Statutory Factors for Satellite Carriage

In considering petitions for market modification for satellite carriage, STELAR requires the Commission to apply the same statutory factors that have long been applicable to market modification petitions for cable carriage—plus a new statutory factor relating to consumers’ access to “in-state” broadcast signals. These statutory factors, which are intended “to afford particular attention to the value of localism”⁷ are as follows:

⁴ 2015 Order, ¶ 14.

⁵ KMGH Petition at 9 & Ex. H; KUSA Petition at 9 & Ex. H.

⁶ *In-State Broadcast Programming: Report to Congress Pursuant to Section 304 of the Satellite Television Extension and Localism Act of 2010*, MB Docket 10-238, DA 11-1454 (August 29, 2011) (hereinafter “*2011 In-State Programming Report*”) at ¶ 62 (citing comments by National Association of Broadcasters) and ¶ 67, n.214 (citing examples of cable carriage of such local programming from in-state stations in La Plata County).

⁷ 2015 Order, ¶ 8.

- (1) whether the station, or other stations located in the same area have been historically carried on the cable system or systems within such community; or have been historically carried on the satellite carrier or carriers serving such community;
- (2) whether the television station provides coverage or other local service to such community;
- (3) whether modifying the local market of the television station would promote consumers' access to television broadcast station signals that originate in their State of residence;
- (4) whether any other television station that is eligible to be carried by a satellite carrier in such community in fulfillment of the requirements of this section provides news coverage of issues of concern to such community or provides carriage or coverage of sporting and other events of interest to the community; and
- (5) evidence of viewing patterns in households that subscribe and do not subscribe to the services offered by multichannel video programming distributors within the areas served by such multichannel video programming distributors in such community.⁸

In its *2015 Order*, the Commission confirmed that the addition of the “in-state” programming factor does not serve as a “trump card” negating the other four factors, and that the relative importance of this factor “will vary depending on the circumstances in a given case.”⁹ In-state broadcast stations providing *state-related* programming, of course, do not necessarily provide *localized* programming that specifically targets the needs and interests of specific local communities, which the second factor is intended to assess.¹⁰

The distinction between state-related programming and localized programming is highlighted in a case such as this one where the Denver Stations are located 330 miles away from

⁸ *2015 Order*, ¶ 8.

⁹ *2015 Order*, ¶ 18.

¹⁰ *2015 Order*, ¶ 18, n.85.

La Plata County.¹¹ The local issues specific to Denver communities (*e.g.*, weather, city and county government, job growth, crime, high school sports) obviously will be different than the local issues specific to communities in La Plata County, far from Denver. In such circumstances, in-market, out-of-state stations are often in a better position to deliver locally-oriented programming to a community than an out-of-market, in-state station that is geographically distant from the community at issue.¹² The Commission recognized this fact as a marketplace reality when it recently rejected calls to depart from the existing DMA structure:

[C]hanging the market of a particular county from one DMA to another that is potentially composed of counties from the same state as the county may not necessarily increase the amount of local programming that the county receives due to the economics of broadcast television and the ability (or inability) to serve a geographically distant, but in-state county.¹³

C. Evidentiary Requirements

The Commission's policies and rules require each petition for market modification for satellite carriage to present certain supporting evidence relevant to applying the statutory factors. To promote administrative efficiency, and consistent with the Commission's standardized evidence approach, the following evidence must be submitted in a petition for market modification:

- 1) A map or maps illustrating the relevant community locations and geographic features, station transmitter sites, cable system headend locations, terrain features that would affect station reception, mileage

¹¹ See KUSA Petition at 5; KMGH Petition at 5.

¹² See *2011 In-State Programming Report*, ¶ 48 (summarizing comments and examples submitted by National Association of Broadcasters).

¹³ *Designated Market Areas: Report to Congress Pursuant to Section 109 of the STELA Reauthorization Act of 2014*, MB Docket 15-43, DA 16-613 (MB June 3, 2016) (hereinafter "*2016 In-State Programming Report*") at ¶ 88.

between the community and the television station transmitter site, transportation routes and any other evidence contributing to the scope of the market.

- 2) Grade B contour maps delineating the station's technical service area and showing the location of the cable system headends and communities in relation to the service areas.¹⁴
- 3) Available data on shopping and labor patterns in the local market.
- 4) Television station programming information derived from station logs or the local edition of the television guide.
- 5) Cable system channel line-up cards or other exhibits establishing historic carriage, such as television guide listings.
- 6) Published audience data for the relevant station showing its average all day audience (i.e., the reported audience average over Sunday-Saturday, 7 a.m.-1 a.m., or an equivalent time period) for both cable and noncable households or other specific audience indicia, such as station advertising and sales data or viewer contribution records.
- 7) If applicable, a statement that the station is licensed to a community within the same state as the relevant community.¹⁵

The Commission has specifically made these existing evidentiary requirements applicable to market modification for satellite carriage “given the same language is used in both the cable and satellite statutory factors and the record provides no basis for adopting a different interpretation in the satellite versus cable context.”¹⁶ As a result, just as in the cable context, if a market

¹⁴ The relevant contour in the post-DTV transition environment is the noise limited service contour for full power stations and the “protected contour” for low power stations, including translators. *See 2015 Order*, ¶ 21 & n.107.

¹⁵ 47 C.F.R. § 76.59(b)(1)-(6); *2015 Order*, ¶ 20; *see also Definition of Markets for Purposes of the Cable Television Broadcast Signal Carriage Rules*, Final Report and Order, 14 FCC Rcd 8366 (1999).

¹⁶ *2015 Order*, ¶ 20.

modification petition for satellite carriage does not include the above evidence, the Commission's rules require that the petition be dismissed without prejudice.¹⁷

II. The Petitions Fail to Comply with Evidentiary Standards Required by the Commission's Rules.

The Board provides just four of the seven evidentiary items required by the Commission's rules. In both Petitions, the Board concedes it lacks evidence of shopping and labor patterns (#3), MVPD line up cards showing carriage (#5), and published audience ratings data (#6).¹⁸ This evidence is critical to consideration of several of the statutory factors that the Commission is required to consider to assess the value of localism—in particular, historical carriage, local service, and viewing patterns. The Board provides scant evidence on the remaining factors.

The Board nevertheless asks the Commission to waive these evidentiary requirements because, as the Board concedes, the crux of the Petitions is based upon access to in-state broadcast signals.¹⁹ But nothing in the Commission's *2015 Order* allows, or even contemplates, a waiver in such circumstances. Indeed, the Commission's *2015 Order* adopting the “in-state” factor also adopts the evidentiary requirements without any modifications or waivers to account for petitions that are based on “in-state” programming access. The *2015 Order* even explicitly references the need for county governments to “provide specific evidence to demonstrate the five statutory factors” and suggests how the county can obtain such evidence in order to “avoid dismissal based on a failure to meet our specific evidentiary requirements.”²⁰

¹⁷ See 47 C.F.R. § 76.59(c); *2015 Order*, ¶¶ 14, 22.

¹⁸ See *KMGH Petition* at 6; *KUSA Petition* at 6.

¹⁹ See *KMGH Petition* at 6, 3-4; *KUSA Petition* at 6, 3-4.

²⁰ *2015 Order*, ¶ 14.

By asking the Commission to excuse its failure to provide evidence that is relevant to other statutory factors, the Board effectively asks the Commission to ignore all other statutory factors and look solely at one factor—access to in-state programming—as dispositive of the Petitions. This result is plainly at odds with STELAR and the Commission’s *2015 Order*, neither of which provides any support for the argument that access to in-state signals alone would be dispositive, particularly where, as described below, there is no evidence of historical carriage, localized programming tailored to La Plata County, or meaningful audience ratings in La Plata for the Denver Stations. Indeed, STELAR and the Commission’s *2015 Order* confirm that the new in-state factor is not a “trump card” and “is not universally more important than any of the other factors.”²¹

The failure of the Petitions to include all of the required evidence is grounds for dismissal as a procedural matter.²² In any event, as a substantive matter, the lack of such evidence also reflects that the Board cannot support its Petition in relation to the statutory factors for the reasons described below.

III. The Statutory Factors Do Not Support Market Modification.

Four of the five statutory factors weigh against modification because the Petitions, on their face, demonstrate that the Board is entitled to no enhancement under these factors. First, the Board acknowledges that the signals of the Denver Stations are not historically carried in La Plata County. Second, the Board does not offer evidence of local programming with a nexus to La Plata County,

²¹ *2015 Order*, ¶¶ 8, 18.

²² See, e.g., *Sagamorehill Broadcasting of Wyoming/Northern Colorado, LLC*, Memorandum Opinion and Order, 22 FCC Rcd 12944 (MB 2007) (dismissing petition for failure to provide required data); *Withers Broadcasting Company of West Virginia*, Memorandum Opinion and Order, 20 FCC Rcd 17890 (MB 2005) (same).

and it acknowledges that Denver is 330 miles (and between 6 or 7 hours) from La Plata County. Third, the Board fails to establish that the Albuquerque Stations do not provide localized programming of interest to La Plata County—in fact, the Albuquerque Stations provide regular and significant coverage of local news, issues, and events specifically targeted to La Plata County. Finally, the Board offers no ratings data or any other evidence to show that the Denver Stations achieve any meaningful audience share in La Plata County. The only factor that favors the Petitions—access to in-state programming—is far outweighed by the lack of any enhancement for the other four statutory factors.

A. Historical Carriage

The Board does not provide any evidence that the Denver Stations have been historically carried on the cable or satellite system or systems within La Plata County. In fact, the Board concedes this factor.²³ To the extent that cable systems have carried local news from the Denver Stations (but not duplicative network programming),²⁴ such carriage demonstrates that market modification is not necessary to achieve the stated goal of the Petitions to provide access to in-state news and political information from Denver stations.

The Albuquerque Stations have been historically carried on the cable and satellite systems in La Plata County. In particular, KOAT-TV has been carried on Channel 7 on both DISH and DIRECTV and has been carried on Charter (or predecessor) cable systems serving La Plata County

²³ See KMGH Petition at 6; KUSA Petition at 6. The KUSA Petition makes reference to carriage of the 5:00 KUSA news on Charter systems but offers no additional evidence. See KUSA Petition at 6.

²⁴ 2015 *In-State Programming Report*, ¶ 67, n.214; Appendix F, ¶ 5, n.13.

(including the systems serving Durango, Hermosa, Dolores, and Mancos) since at least 1993.²⁵ KOB has been carried on DISH and DIRECTV in La Plata County and on Charter (or predecessor) cable systems serving La Plata County since at least 1996.²⁶

The lack of historical carriage of the Denver Stations and the evidence of historical carriage of the Albuquerque Stations on both cable and satellite weigh against market modification, particularly when coupled with the failure of the Board to provide evidence of local programming or audience share.²⁷

B. Coverage and Local Service to La Plata County

To analyze a station's coverage or local service, the Commission considers a station's signal contour coverage over the communities, its proximity to the communities in mileage, and its provision of programming with a distinct nexus to the communities.²⁸ In this case, the coverage or local service factor weighs decidedly against market modification.

²⁵ See Declaration and Verification of Mary Lynn Roper (hereinafter, "Roper Declaration") at ¶ 4, attached as Exhibit A.

²⁶ See Declaration and Verification of Michael Burgess (hereinafter, "Burgess Declaration") at ¶ 4, attached as Exhibit B.

²⁷ See *Cablevision of Monmouth, Inc. for Modification of the ADI Market for Station WMBC-TV, Newton, NJ; Complaint of Mountain Broadcasting Corp. against Cablevision of Monmouth, Inc. Request for Carriage*, Memorandum Opinion and Order, Docket No. CSR-4726-A, 4747-M, DA 96-1266 (CSB Aug. 14, 1996) at ¶ 19 (concluding that, with respect to a specialized format station, "the lack of historical carriage and the dearth of audience is of evidential significance when linked with other information regarding the market, including lack of Grade B coverage, geographic distance, and the absence of noncable audience share in the relevant communities. In these instances, we cannot discount the stations' existing carriage and audience as proper indicators of the scope of its market area."), *aff'd* in 12 FCC Rcd 12262 (FCC Aug. 11, 1997).

²⁸ See *California-Oregon Broadcasting, Inc. d/b/a Crestview Cable Communications, for Modification of the DMA for Stations: KFXO, NPG of Oregon, Inc., Bend, OR; KOHD, Three Sisters Broadcasting LLC, Bend, OR; KVTZ, NPG of Oregon, Inc., Bend, OR*, Memorandum Opinion and Order, Docket No. CSR-8538-A, DA 14-506 (MB Apr. 15, 2014) at ¶ 16.

It should be noted that the Petitions fail to submit a map depicting contours for the subject Denver Stations as they were required to do.²⁹ Although the Longley-Rice maps submitted with the Petitions show that a translator has predicted coverage in at least parts of La Plata County,³⁰ the Commission's *2016 In-State Programming Report* found that La Plata County "does not receive any out-of-market stations directly over the air."³¹ In any event, La Plata County is already served by the Albuquerque Stations through translators and, in the case of KOB, full power satellite station KOBF which rebroadcasts KOB. As demonstrated in the maps submitted with this Opposition as Exhibits C and D respectively, each of the KOAT and KOB translators has a protected contour covering Durango and the surrounding area and each also has Longley-Rice predicted coverage of La Plata County. Exhibit D also demonstrates that satellite station KOBF covers much of La Plata with its noise limited service contour.

The Petitions show that Denver is 330 miles from Durango, Colorado, which is far too geographically distant to warrant an enhancement.³² The Petitions provide no evidence of labor

²⁹ See KMGH Petition; KUSA Petition; *2015 Order*, ¶ 20.

³⁰ Both the KUSA Petition and KMGH Petition submit as evidence of technical coverage a Longley-Rice map labeled K24CH-D. See KUSA Petition, Exhibit B; KMGH Petition, Exhibit B. According to the Commission's Consolidated Database System (CDBS) records, translator K24CH-D is licensed to Southwest Colorado TV Translator Association and rebroadcasts KUSA. It appears no Longley-Rice map has been submitted with respect to KMGH. Accordingly, KOAT and KOB are not aware of any evidence in the record demonstrating technical coverage of La Plata by KMGH.

³¹ *2016 In-State Programming Report*, ¶ 69 & Table 3.

³² See *CoxCom, LLC; For Modification of the Market of WMDE, Dover, Delaware*, Memorandum Opinion and Order, Docket No. CSR-8909-A, DA 15-1171 (MB Oct. 14, 2015) at ¶¶ 21, 45 (station licensed to Dover, Delaware that was approximate 100 miles from communities in Fairfax County, Virginia, had such communities excluded from its market); See *Cablevision of Monmouth, Inc.*, ¶ 17 (describing distances of 59-84 miles as "geographically distant").

or shopping patterns between La Plata County and Denver, further undermining any argument of a geographic nexus between Denver and Durango.³³ Albuquerque is more than 100 miles closer to Durango than Denver is (215 miles).³⁴

The Board did not present any evidence of specific programming by the Denver Stations that has a distinct nexus to La Plata County. Rather, the program schedules for the Denver Stations attached as Exhibit C to the Petitions reflect traditional network and syndicated programming, except for local news programming from Denver.³⁵ Notably, there is no evidence of that Denver Stations' news programs address local news, weather, or governmental programming specific to La Plata County.³⁶ By contrast, as described below, the Albuquerque Stations regularly provide localized programming to La Plata County residents.

In light of (i) the lack of local programming from the Denver Stations that is specifically directed to news and issues in La Plata County, (ii) the significant distance between Denver and La Plata, (iii) the lack of any shopping or labor patterns connecting Denver to La Plata, and (iv) insufficient over-the-air coverage from the Denver Stations in La Plata County, the Board is not entitled to any enhancement under the coverage and local service factor. In fact, the evidence relevant to this factor weighs squarely against modification.

³³ See KMGH Petition at 6; KUSA Petition at 6.

³⁴ See Exhibit F, attached hereto.

³⁵ See KMGH Petition, Exhibit C; KUSA Petition, Exhibit C.

³⁶ See *Tennessee Broadcasting Partners; For Modification of the Television Market for WBBJ-TV, Jackson, Tennessee*, Order on Reconsideration, Docket No. CSR-7596-A, DA 10-824 (MB May 12, 2010) (“Nor can we grant market modifications on the basis of promised or potential future coverage.”).

C. Coverage By Other Stations of News, Issues, and Events of Interest to La Plata County

The Petitions offer no evidence that the Albuquerque Stations fail to provide coverage of news, issues, and events of interest to La Plata County. Instead, the evidence attached as Exhibits A and B to this Opposition reflects that both KOAT and KOB regularly provide coverage of local news and events in La Plata County, daily weather information, ski and snowboard reports, and other locally-oriented programming.

For example, KOAT recently provided extensive coverage of the Gold King Mine spill and its impact on communities in La Plata County along the Animas River, including regular updates on clean-up efforts, environmental impacts, and legal action.³⁷ KOAT also provided significant coverage of other news events of local interest, such as the death of a 13-year old boy in Durango and the death of a pilot of a Blue Angel jet originally from Durango.³⁸ KOAT also provides a steady stream of winter weather information relating to Durango, including school closings, snowfall, ski and snowboard reports, and daily forecasts throughout the year covering Durango and the surrounding area.³⁹

KOB likewise provides local news, daily weather, ski reports, school closings, EAS alerts, and other local programming of interest to La Plata County residents.⁴⁰ KOB has a full-time reporter assigned to the “4-corners” region, which includes La Plata County.⁴¹ Examples of

³⁷ See Roper Declaration, ¶ 6 and Attachments 2-3.

³⁸ See Roper Declaration, ¶ 6 and Attachments 2-3.

³⁹ See Roper Declaration, ¶ 5 and Attachment 1.

⁴⁰ See Burgess Declaration, ¶ 5 and Attachments 1-2.

⁴¹ See Burgess Declaration, ¶ 5.

KOB's recent coverage of news and events relating to Durango and southwest Colorado include future transit plans, fire damage to a historic building, wildfires, and the effect of the Gold King Mine spill and the Animas River.⁴²

D. Viewing Patterns in La Plata County

The Petitions offer no evidence relating to viewing patterns and audience share of the Denver Stations in La Plata County. Attached to this Opposition as Exhibit E is a report including Nielsen data that demonstrate KOAT ranks in the top three or four stations in La Plata County based on audience share in all TV households, over-the-air households, and cable/satellite households over the last four sweeps periods and ranks among the top two stations in the four-period average. KOB ranks among the top stations in each ratings period and ranks among the top four stations in the four-period average. KOAT achieved as high as a 2.0 rating and 4.8 share in any one sweeps period, and KOB achieved as high as a 1.5 rating and a 3.1 share in any one sweeps period. These same data shows negligible viewing for the Denver Stations—KUSA never surpassed a 0.2 rating and a 0.4 share in any of the last four sweeps periods, and KMGH never surpassed a 0.1 rating and a 0.2 share. Not surprisingly, these recent data are in line with the fact that neither KMGH nor KUSA are “significantly viewed” in La Plata County, whereas both KOAT and KOB are “significantly viewed” there.⁴³ These viewing patterns plainly do not support any enhancement under the viewing factor.

⁴² See Burgess Declaration, ¶ 6 and Attachment 2.

⁴³ See FCC Significantly Viewed List at 44 (La Plata County), *available at* <https://transition.fcc.gov/mb/significantviewedstations041916.pdf> (last visited Nov. 18, 2016).

E. Access to In-State TV Broadcast Signals

Although the FCC's *2015 Order* presumes consumer access to in-state television signals is a factor that favors modification, there should be no enhancement for this factor in this case—especially given the lack of evidence that the Denver Stations are providing localized programming with a nexus to La Plata County. Although access to in-state Denver Stations may serve the Board's interest in certain news programming of *statewide* interest to all Coloradans in general (including news from the state capitol), there is no evidence that such programming focuses on responding to *local* issues, needs and interests—community news, weather, sports, and public affairs—in La Plata or other geographically distant Colorado communities. It is the Albuquerque Stations (not the Denver Stations) that are providing such localized programming that has a nexus to the needs and interests of La Plata County residents.

In short, access to “in-state” programming is simply not a proxy for localism. Rather, the Commission still must give appropriate weight to the remaining factors, each of which weighs against market modification here. If in-state programming, by itself, was a dispositive factor to add stations to a television market—or if the lack of evidence to support the remaining factors could be “waived” or otherwise ignored—any petition citing access to in-state programming would give rise to a market modification. Such a result, by extension, would create a domino effect that could undermine the DMA system in favor of markets based upon state boundary lines. Neither Congress in enacting STELAR nor the Commission in implementing it intended such a result. In fact, the Commission's *2016 In-State Programming Report* stated that changing the DMA market system would be both disruptive and would not necessarily increase local programming:

The current record indicates that departing from the existing Neilsen DMA market determination system could create enormous disruptions in the video programming industry disproportionate to any benefit gained, and would be unlikely to increase the amount of

local programming available to viewers as a whole. Furthermore, changing the market of a particular county from one DMA to another that is potentially composed of counties from the same state as the county may not necessarily increase the amount of local programming that the county receives due to the economics of broadcast television and the ability (or inability) to serve a geographically distant, but in-state county.⁴⁴

IV. The Relief Requested in the Petitions is Not Necessary to Obtain In-State Local Television Service to La Plata County.

The Petitions' central focus is the delivery of in-state programming to La Plata County. The comments submitted as Exhibit I to each of the Petitions make this clear, repeatedly referencing news of statewide interest and state political and public affairs programming. Notably, one commenter, actually faulted the Denver Stations for failing to provide local weather coverage in La Plata County—which of course the Albuquerque Stations do.

Market modification is not necessary to obtain the in-state news programming of statewide interest. Local television stations generally own the copyright in the news and public affairs programming that they produce, and stations can make such programming available to MVPDs outside of their local market if they choose. This alternative to market modification enables the delivery of in-state news programming without importing competing, duplicating network programming that serves no local public interest and disrupts the current economics of the DMA

⁴⁴ *2016 In-State Programming Report*, ¶ 88. Granting petitions based solely on access in “in-state” stations could actually jeopardize the stability of the current local television markets of the Denver Stations. The Denver DMA serves counties throughout Wyoming and western Nebraska. If in-state programming alone is sufficient to add or delete television markets, then the local television markets of any Nebraska or Wyoming station could be modified to include any county in those states located in the Denver DMA for the simple reason that the Nebraska and Wyoming stations offer in-state programming. And, if other stations in other states respond in kind, the ripple effect could threaten to undermine the viability the local television service by unnecessarily importing competing, duplicating network and syndicated programming into DMAs throughout the country. For example, several counties in New Mexico are located in DMAs served by Texas stations in the neighboring Amarillo or El Paso DMAs.

system. Moreover, consumers in La Plata County have similar access to in-state news today, without any market modification needed, through the websites and mobile apps of the Denver Stations and other Colorado broadcasters.

Previous Commission orders reflect that certain Denver stations have made their local news programming available in La Plata County.⁴⁵ The Colorado Broadcasters Association (“CBA”) letter, attached as Exhibit H to the Petitions, also makes it plain that the Denver Stations remain willing to negotiate for carriage of “local, non-duplicative, in state broadcast programming” on satellite systems serving La Plata County. Glaringly absent from the CBA letter is any suggestion that the CBA or any Denver station supports adding La Plata County to their local television market or that any Denver station is prepared and willing to negotiate carriage for its *full* signal, including non-local duplicating network programming, in the event that the markets are, in fact, modified.

The Board offers no justification why the Denver Stations’ willingness to import their local news and public affairs programming would not achieve the very goals of the Petitions without the need for FCC intervention. For this additional reason, the Petitions should be denied.

V. Conclusion.

The Albuquerque Stations have been ably serving the local needs and interests of La Plata County residents for many years, provide technical service to the La Plata County area through digital translators and, in the case of KOB, a full power satellite station, have been historically carried on cable and satellite systems, and obtain a significant audience share. There is no indication that the Denver Stations have, or will, provide localized programming to La Plata County residents that is not currently being provided by KOAT and KOB.

⁴⁵ See *2011 In-State Programming Report*, ¶ 67, n.214; Appendix F, ¶ 5, n.13.

The Petitions seek nothing more than a market modification based solely on the fact that La Plata County residents do not receive programming from Denver television stations. The Petitions should be denied because (i) the Petitions lack the required evidence to support their requested relief, (ii) the Petitions fail upon any analysis of the statutory factors, and (iii) the Petitions are unnecessary to achieve carriage of local, in-state news and public affairs programming from Denver. To grant a modification on these facts would require the Commission to turn a blind eye to all but one statutory factor—access to in-state programming—and open the door to a possible avalanche of similar petitions based on similarly singular evidence. For all of these reasons, the Petitions should be denied.

Respectfully submitted,

/s/ _____
Mark J. Prak
Charles F. Marshall
Elizabeth Spainhour
BROOKS, PIERCE, MCLENDON,
HUMPHREY & LEONARD, L.L.P.
150 Fayetteville Street, Suite 1700
Raleigh, North Carolina 27601
Telephone: (919) 839-0300
Facsimile: (919) 839-0304

*Counsel to KOAT Hearst Television Inc. and
KOB-TV, LLC*

November 22, 2016

Certificate of Service

The undersigned does hereby certify that I caused a copy of the foregoing **Opposition to Petitions for Special Relief** to be placed in the U.S. Mail, first-class postage prepaid, addressed as follows:

KASA-TV / KREZ-LD
13 Broadcast Plaza SW
Albuquerque, NM 87104

Bradford P. Blake, Chair
La Plata County Board of
Commissioners
1101 E. 2nd Ave.
Durango, CO 81301

KUPT
P.O. Box 3757
Lubbock, TX 79423

KASY-TV
13 Broadcast Plaza SW
Albuquerque, NM 87104

KUSA
500 Speer Blvd
Denver, CO 80203

KWBQ
13 Broadcast Plaza SW
Albuquerque, NM 87104

KAZQ
4501 Montgomery NE
Albuquerque, NM 87109

KQDF-LP
1701 N. Market St., Ste 500
Dallas, TX 75202

KYNM
5010 4th Street NW
Albuquerque, NM 87107

KBIM-TV
214 N. Main Street
Roswell, NM 88201

KREZ-TV
190 Turner Drive, Suite G
Durango, CO 81303

KMGH-TV
123 E Speer Boulevard
Denver, CO 80203

KCHF
27556 1-25 East Frontage Rd.
Sante Fe, NM 87508

KRMU
1089 Bannock Street
Denver, CO 80204

KCNC
1044 Lincoln St.
Denver, CO 80203

KENW
1450 South Ave N
Portales, NM 88130

KRQE
13 Broadcast Plaza SW
Albuquerque, NM 87104

KDVR
100 East Speer Blvd
Denver, CO 80203

KKNJ-LP
200 S. Alto Mesa Dr.
El Paso, TX 79912

KRTN-TV
P.O. Box 3757
Lubbock, TX 79423

DIRECTV, LLC
Local-Into-Local – Market
Modification
2260 East Imperial Highway
El Segundo, CA 90245

KLUZ-TV
2725-F Broadbent Pkwy NE
Albuquerque, NM 87107

KRWB-TV
13 Broadcast Plaza SW
Albuquerque, NM 87401

Ms. Alison A. Minea
Director & Senior Counsel
Regulatory Affairs
Dish Network, LLC
1110 Vermont Ave., NW
Suite 750
Washington, DC 20005

KNAT-TV
1510 Coors Road NW
Albuquerque, NM 87121

KTEL-TV
2400 Monroe NE
Albuquerque, NM 87110

KNME-TV
1130 University Blvd. NE
Albuquerque, NM 87102

KNMD-TV
1130 University Blvd. NE
Albuquerque, NM 87102

KTFA-LP
2725 Broadbent Parkway NE
Suite F
Albuquerque, NM 87107

KTFQ-DT
2725 F. Broadbent Parkway NE
Albuquerque, NM 87107

This the 22nd day of November, 2016.



Elizabeth E. Spainhour

Exhibit A
(Declaration and Verification of Mary Lynn Roper)

Declaration and Verification of Mary Lynn Roper

I, Mary Lynn Roper, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration and Verification.
2. I am the President of KOAT Hearst Television Inc., the licensee of KOAT-TV, Albuquerque, New Mexico (“KOAT” or the “Station”). I am also General Manager of the Station. I have held these positions since 1993.
3. KOAT is the ABC affiliate for the Albuquerque-Santa Fe Designated Market Area. KOAT serves La Plata County, Colorado primarily through two digital low power television translators: K45DH-D, Durango, Colorado and K19CM-D, Farmington, New Mexico.
4. KOAT has been carried on DISH and DIRECTV in La Plata County, Colorado since at least 1993. KOAT is carried on Channel 7 on both DISH and DIRECTV. KOAT has been carried on Charter (or predecessor) cable systems serving La Plata County since at least 1993. To my knowledge, the Charter system in La Plata serves the communities of Durango, Hermosa, Dolores, and Mancos.
5. KOAT regularly provides local news, weather, ski reports, school closings, EAS alerts, and other information of local interest to the residents of La Plata County. KOAT also includes Durango on its weather maps in daily weather forecasts throughout each broadcast day. KOAT highlights Durango in its ski reports airing in Thursday, Friday, and Saturday news casts during the winter months and in its listings of school closures. Attached to this Declaration as Attachment 1 are still image examples of KOAT broadcast programming demonstrating the Station’s daily coverage of Durango.
6. Over the past year, KOAT has broadcast more than 45 news stories of interest to viewers in Durango and surrounding areas. Below are some specific examples:
 - In 2015, KOAT extensively covered the Gold King Mine spill, and how it impacted communities along the Animas River—including the Durango area. The Station’s coverage of the spill extended into 2016 and continues today, as we continue to update the community on clean-up efforts, environmental impacts, and legal action.
 - The case of a Dylan Redwine, a 13-year-old who vanished and was later found dead, continues to be of high interest to viewers in and around Durango. We updated the story six times in the last year—speaking to the family members and providing updates on lawsuits targeting Dylan’s father.
 - Last winter brought a significant amount of winter weather to the Durango area. Besides our daily weather forecasts, we provided

viewers with snow totals and updates on driving conditions through mountain passes.

- The tragic crash of a Blue Angel jet in June hit home when we learned the pilot was originally from Durango. We covered the crash, the background of the pilot, his funeral and the eventual determination of a cause.

Attached to this Declaration as Attachment 2 are still images visually depicting the stories described in the bullets above.

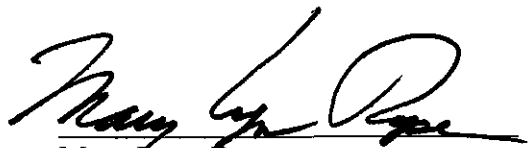
7. Attached to this Declaration as Attachment 3 is a list of news stories produced by and aired on KOAT over the past year covering Durango and La Plata County.

8. I verify that the factual matters related to KOAT-TV contained in the foregoing Opposition to Petitions for Special Relief are true and correct to the best of my information, knowledge, and belief.

[signature appears on the following page]

I declare, under penalty of perjury, that the foregoing Declaration and Verification is true and accurate to the best of my knowledge, information, and belief.

11-21-16
Date

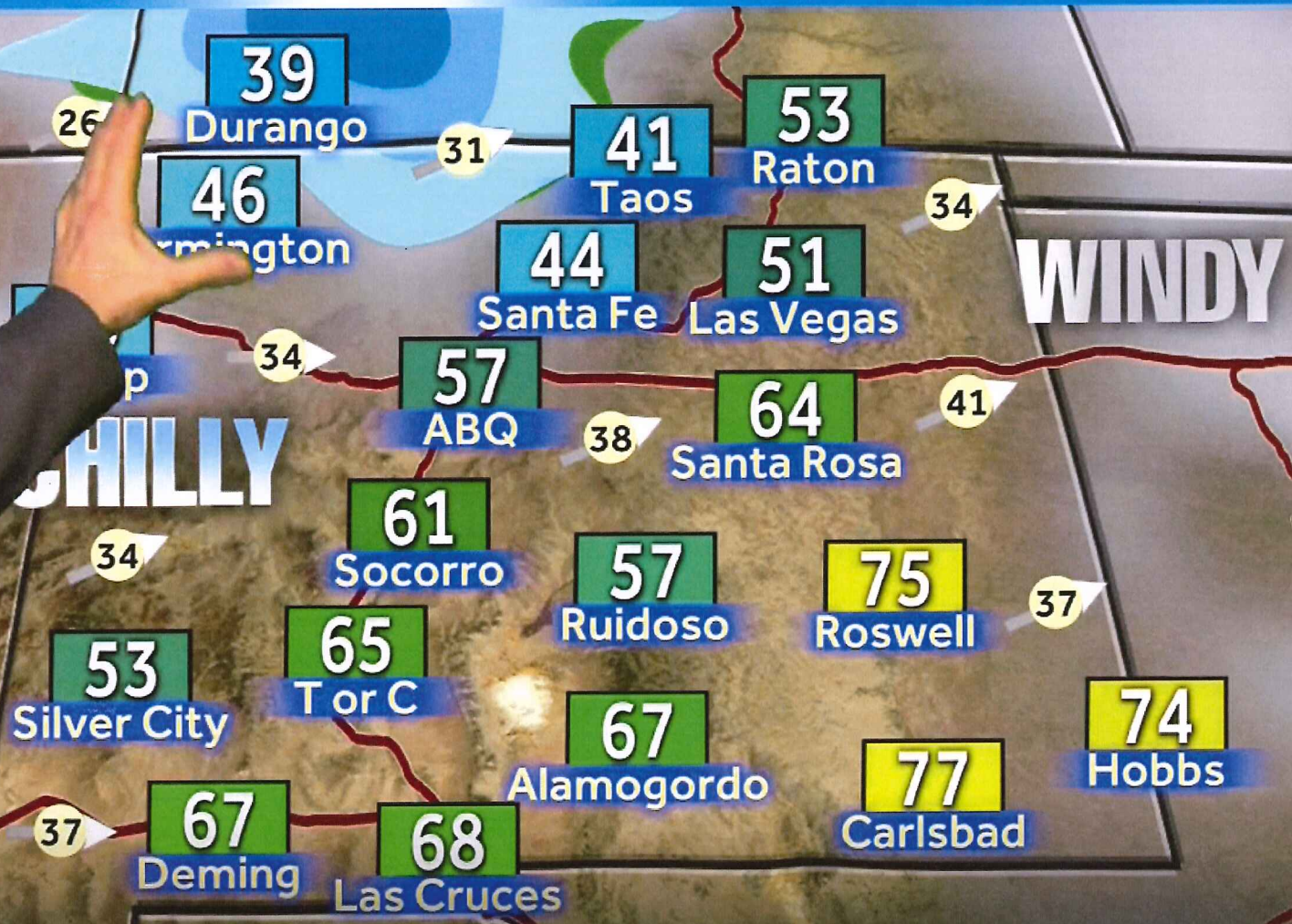

Mary Lynn Roper
Vice President and General Manager
KOAT-TV

Attachment 1
(Visual Examples of Programming Covering La Plata)

THURSDAY

3:00 PM

LIVE SUPER
DOPPLER



-700AM-2016-11-14T05-59-00



HEADLINES LOCAL

The state will start issuing Real ID compliant drive

6:1

44°

MATTRESSFIRM

7 DAY FORECAST

LIVE SUPER
DOPPLER

THU

hilly
WINDY

54



1000-1105PM SUN-2016-11-13T21-59-00

SUNDAY

7:00 AM

LIVE SUPER
DOPPLER



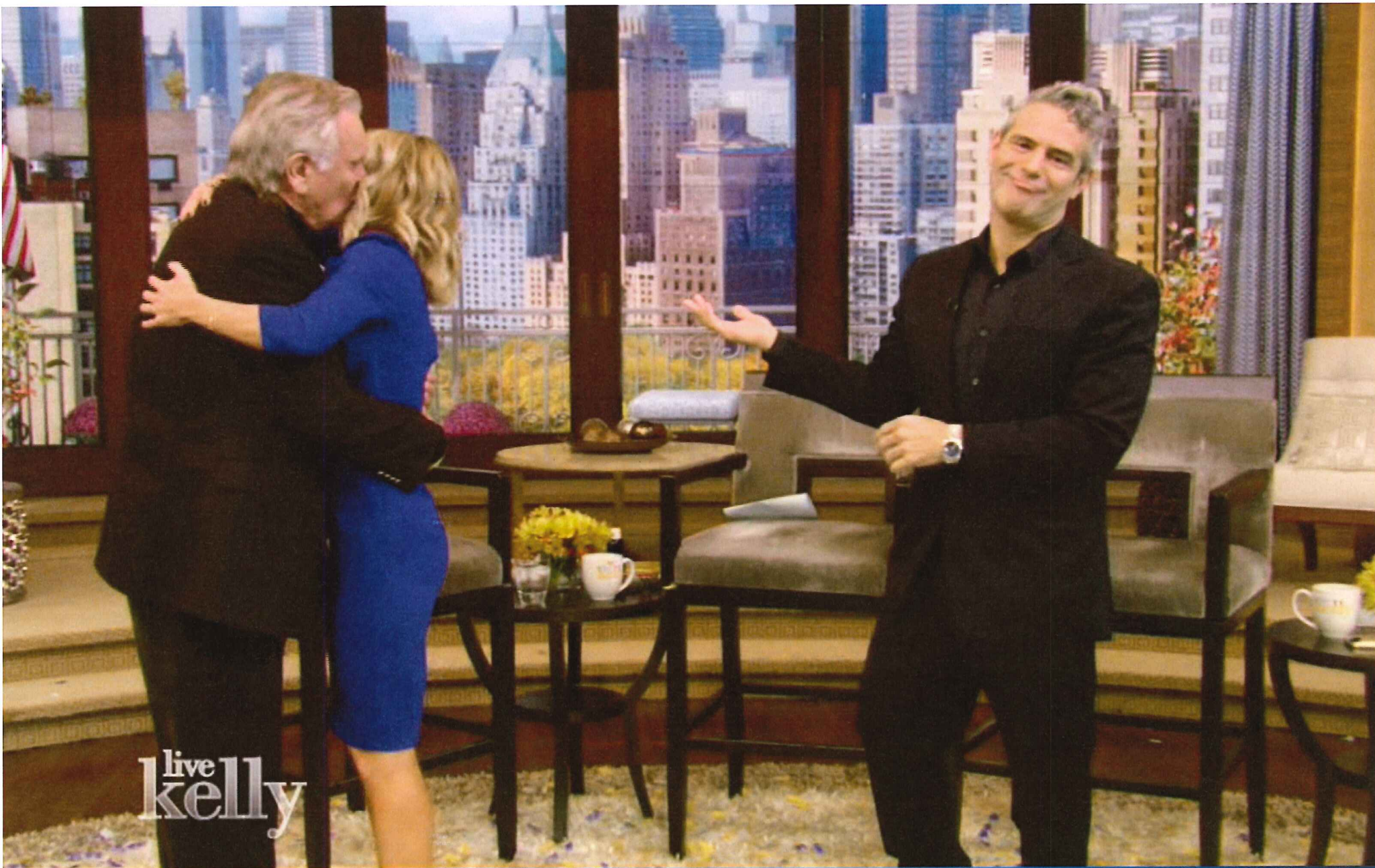
COLD

CHILL



HEADLINES LOCAL

ico freshman says another student tried to remove



live
kelly

**CLOSINGS
AND
DELAYS**

SCHOOL

LA PLATA COUNTY

Durango School District 9-R

Closed

**9:37
50°**



SKI & SNOWBOARD REPORT

DURANGO

NEW SNOW

6"

BASE DEPTH

48"

TRAILS OPEN

100%



KOAT

10:26 | 34°

Attachment 2
(Visual Images of Specific News Stories Covering La Plata)





1999-2012

last





Attachment 3
(List of News Stories Covering La Plata)

List of News Stories Covering La Plata

10/26/16 & 10/27	Parents lawsuits against each other in Dylan Redwine case (am show)
10/19	Pence Visiting Durango several stories leading up to his visit to Durango
9/15/16 10p & 9/16	Cause of crash that killed Blue Angel pilot from Durango (morning show)
9/12/16	Proposed water pipeline from south of Durango to several nw NM lakes (5 and 10pm)
9/04/16 & 9/05/16	Durango and Silverton Railroad names second most scenic train ride in America file vo (10p, 6a)
8/20/16	searching for lost llamas in Durango area. Fs map (8am)
8/16/16 & 8/17/16	Boy attacked walking animas trail in Durango (6p, 6a)
8/11/16 & 8/12/16	Dylan Redwine update (5pm, am show)
8/08/16	Anniversary of Animas River gold mine spill (10pm pkg)
8/04/16	Arc of History Statue vandalized (5 pm, am show)
7/29/16	Pilot from Durango who crashed WWII era plane had marijuana in his system (10p)
07/29/16	Rabies in bat in La Plata county (6am)
07/26/16	United Airlines emergency landing in Durango (am show)
07/20/16	Family lost in wilderness found safe
07/11/16	Inmate found dead in Durango jail (10p)
07/07/16	Durango cyclist raising money for olympics legal fight (5pm)
07/07/16	Fawn euthanized after human tried to rescue it (am show)
07/06/16	New search for Dylan Redwine begins (pkg am show)
07/05/16	Tip jar thief busted (am show)
07/05/16	Man injured in atv crash (am show)
07/05/16	Man drowns in creek near Durango (am show)
07/03/16 thru 07/04/16	Dylan Redwine search (am & pm show)
6/29/16	Taxidermy sheep stolen from shop (am show)
06/22/16	7 year old boy shot during camping trip (5pm)
06/21/16 & 06/22/16	Durango railroad tracks warped by hot summer temps (10p)
06/11/16 & 06/12/16	Funeral for Blue Angels pilot Jeff Kuss (10p & pkg am show)
06/02/16 thru 06/11/16	Stories on Blue Angel pilot from Durango killed in crash
05/29/16	Homeowner shoots bear in dog kennel (10pm)
05/22/16 thru 05/23/16	Kayaker rescued
05/20/16	Man hiding cash for people to find in the forest (10pm)
05/16/16	License plate missing Durango woman (6pm)
04/25/16	Mesa Verde Park attendance is up 8% (1pm)

03/17/16	Steamworks Brewery closing for renovations (6pm)
03/16/16	La Plata County oil wells ordered closed for health reasons (6pm)
02/29/16	Highway department building concrete barrier to stop rock slides (am show)
02/22/16	Southwestern Colorado residents can petition to get Denver TV stations (5pm)
02/17/16 & 02/18/16	Wrongful death lawsuit against Dylan Redwine father dismissed (6pm, am show)
02/17/16	Concerns about snow runoff after Gold King Mine spill (am show)
02/07/16 thru 02/08/16	Dylan Redwine investigation update
01/27/16	Winter festival begins in Durango (6pm)
01/06/16	Fatal motel shooting in Durango (6pm)
12/25/15	Mountain passes closed in storm (6pm)
12/23/15	Feds to pay \$2.5 mil to clean up mine spill (am show)
11/22/15	More than 30 claims for damages filed against feds in Gold King Mine spill (10pm)
11/21/015	Dylan Redwine's father asks lawsuit to be dismissed (am show)
11/17/16	Snow totals pkg with Durango included (6pm)
10/31/15	Haunted hotel in Silverton (10pm)

Exhibit B
(Declaration and Verification of Michael Burgess)

Declaration and Verification of Michael Burgess

I, Michael Burgess, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration and Verification.

2. I am the General Manager and Vice President of KOB-TV, LLC, licensee of KOB(TV), Albuquerque, New Mexico ("KOB" or the "Station"). I have held these positions since January 1993.

3. KOB is the NBC affiliate for the Albuquerque-Santa Fe Designated Market Area. KOB serves the La Plata County, Colorado area primarily through a digital low power television translator: K25GE-D, Durango, Colorado. La Plata County is also served by KOB-F, Farmington, New Mexico, which is a satellite of KOB and is also licensed to KOB-TV, LLC.

4. KOB has been carried on DISH and DIRECTV in La Plata County, Colorado since at least 1996. To my knowledge, KUSA(TV), Denver has never been carried on satellite in La Plata County. KOB has been carried on Charter cable systems serving La Plata County for as long as I have been employed at KOB.

5. KOB regularly provides local news, weather, ski reports, school closings, EAS alerts, and other information of local interest to the La Plata County community. In fact, KOB has a full-time reporter assigned to the "4-Corners" region, which includes Durango (county seat of La Plata) and Southwest Colorado. KOB is in the Durango and surrounding area almost every week. KOB includes Southwest Colorado on its weather maps in weather forecasts every single day. Skiing is a huge part of the economy for Durango and Southwest Colorado. The KOB Ski Report each winter recognizes the ski destinations there. KOB is also a reliable source of information when emergencies strike Durango and Southwestern Colorado, with continuing coverage of the important lingering issues—for example, the Gold King Mine waste spill into the Animas River near Silverton, Colorado. Attached to this Declaration as Attachment 1 are still image examples of KOB broadcast programming demonstrating the Station's daily coverage of Durango and Southwest Colorado.

6. Attached to this Declaration as Attachment 2 is a list of examples of stories aired by KOB (and posted on the Station's website) over the past year covering Durango and Southwest Colorado. This list is merely a sample and not inclusive of all coverage of the area.

7. I verify that the factual matters related to KOB(TV) contained in the foregoing Opposition to Petitions for Special Relief are true and correct to the best of my information, knowledge, and belief.

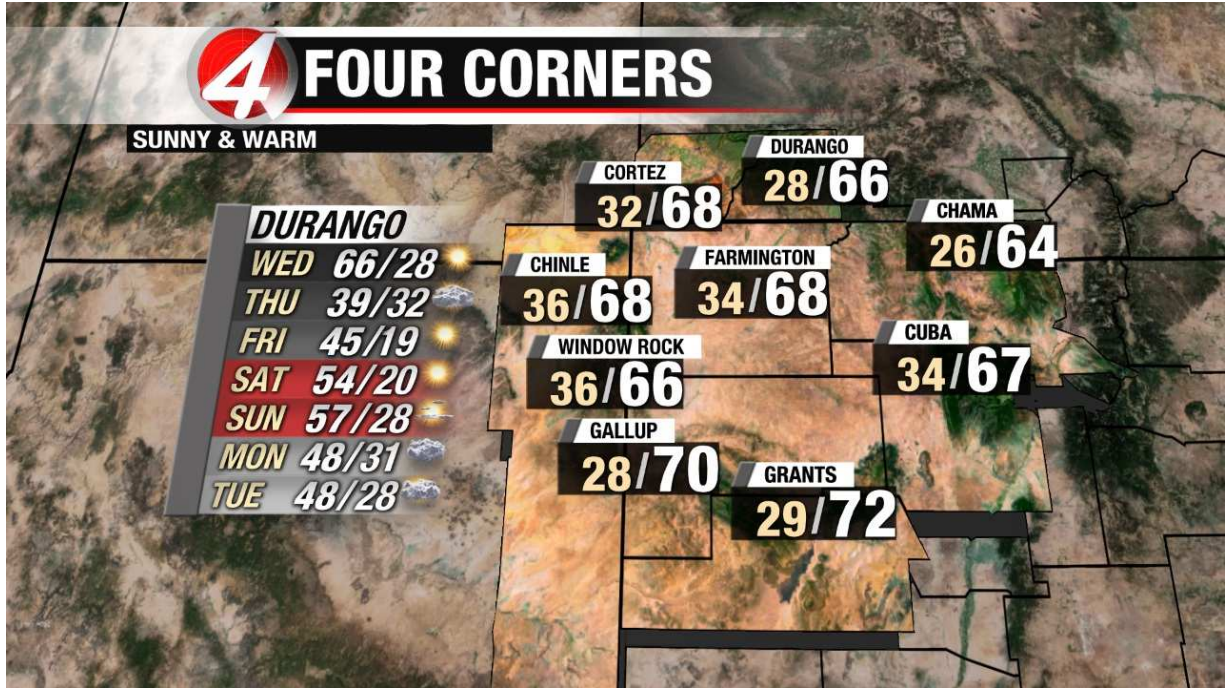
[signature appears on the following page]

I declare, under penalty of perjury, that the foregoing Declaration and Verification is true and accurate to the best of my knowledge, information, and belief.

11/22/16
Date

Michael Burgess
Michael Burgess
General Manager
KOB(TV)

Attachment 1
(Visual Examples of Programming Covering
Durango and Southwest Colorado)





Waste from Gold King Mine near Silverton, CO flows down Animas River. August 5, 2015. Via Chopper 4.

Attachment 2
(Examples of News Stories Covering
Durango and Southwest Colorado)

Example News Stories Covering Durango and Southwest Colorado

Moving the Animas River: <http://www.kob.com/new-mexico-news/durango-co-rerouting-river-back-towards-city/4251144/>

Historic Tavern in Durango damaged by fire: <http://www.kob.com/new-mexico-news/fire-damages-historic-building-in-durango-el-moro-spirits-and-tavern/4284383/>

Deadly home invasion in Durango: <http://www.kob.com/new-mexico-news/college-student-killed-in-durango-home-invasion-four-in-custody/4148774/>

Fallen Blue Angel memorialized in Durango: <http://www.kob.com/new-mexico-news/fallen-blue-angel-memorialized-in-hometown-of-durango-jeff-kuss/4165390/>

Durango making plans for future transit: <http://www.kob.com/new-mexico-news/durango-planning-transit-needs-years-ahead/4240103/>

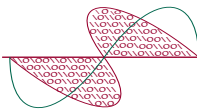
Colorado allows pink hunting clothing: <http://www.kob.com/new-mexico-news/colorado-allows-lsquoablaze-pinkrsquo-garb-for-hunters/4298361/>

Coloradoans now allowed to collect rainwater: <http://www.kob.com/new-mexico-news/change-to-colorado-law-lets-residents-collect-rainwater/4248967/>

Wildfire burning south of Durango: <http://www.kob.com/new-mexico-news/fire-burning-in-black-ridge-area-south-of-durango/4199236/>

Effects of Gold King Mine spill still being felt by farmers: <http://www.kob.com/new-mexico-news/farmers-still-feeling-effects-from-gold-king-mine-spill-animas-river-epa-reimbursement/4278910/>

Exhibit C
(KOAT Translator Contour Maps and Longley-Rice)



Chesapeake RF Consultants, LLC
Radiofrequency Consulting Engineers
Digital Television and Radio

San Miguel

Monticello

Dove Creek

K45DH-D Ch. 45 Durango, CO
BLDTT-20100625AAQ
FCC Translator Contour 51 dBu

Telluride

Ouray

Silverton

Dolores

Montezuma

Towaoc

Cortez

Mancos

Durango

Bayfield

Ignacio

Pagosa Springs

Archuleta

K19CM-D Ch. 19 Farmington, NM
BLDTT-20140430ABV
FCC LPTV Contour 51 dBu

Shiprock

Aztec

Farmington

Bloomfield

Sanostee

**Translator Coverage Area
K45DH-D Durango, CO
K19CM-D Farmington, NM
Detail to La Plata County, CO**

prepared for
KOAT Hearst Television Inc.

November, 2016

Longley-Rice Predicted Signal Level
51 dBu or Greater

Prop Model: Longley-Rice

Climate: Cont temperate
Conductivity: 0.0050
Dielectric Constant: 15.0
Refractivity: 311.0
Receiver Height AG: 10.0 m
Receiver Gain: 0 dB
Time Variability: 90.0%
Situation Variability: 50.0%
ITM Mode: Broadcast
Signal Resolution: 0.1 km

Scale 1:1,000,000

0 10 20 30 km

Composite (Unduplicated) Coverage	Area	Population
Within La Plata County, CO	(sq. km)	(2010 Census)
La Plata County Total	4,402	51,334
Within FCC Contour 51 dBu	3,687 83.8%	50,695 98.8%
Longley-Rice Coverage 51 dBu	1,921 43.6%	35,829 69.8%

Exhibit D
(KOB Translator Contour Maps and Longley-Rice
and KOBF Contour Map)



Chesapeake RF Consultants, LLC
Radiofrequency Consulting Engineers
Digital Television and Radio

San Miguel

Telluride

Ouray

Silverton

Dolores

K25GE-D Ch. 25 Durango, CO
BLDTT-20111104ALO
FCC Translator Contour 51 dBμ

**Translator Coverage Area
K25GE-D Durango, CO
Detail to La Plata County, CO**

prepared for
KOAT Hearst Television Inc.

November, 2016

Monticello

Dove Creek

Dolores

Cortez

Towaoc

Mancos

Durango

Bayfield

Ignacio

Pagosa Springs

Archuleta

Dulce

Cham

Shiprock

Aztec

Farmington

Bloomfield

Longley-Rice Predicted Signal Level

51 dBμ or Greater

Prop Model: Longley-Rice

Climate: Cont temperate
Conductivity: 0.0050
Dielectric Constant: 15.0
Refractivity: 311.0
Receiver Height AG: 10.0 m
Receiver Gain: 0 dB
Time Variability: 90.0%
Situation Variability: 50.0%
ITM Mode: Broadcast
Signal Resolution: 0.1 km

Scale 1:1,000,000

0 10 20 30 km

Translator Coverage	Area	Population
Within La Plata County, CO	(sq. km)	(2010 Census)
La Plata County Total	4,402	51,334
Within FCC Contour 51 dBμ	3,241 73.6%	49,953 97.3%
Longley-Rice Coverage 51 dBμ	1,605 36.5%	36,331 70.8%

Figure 2

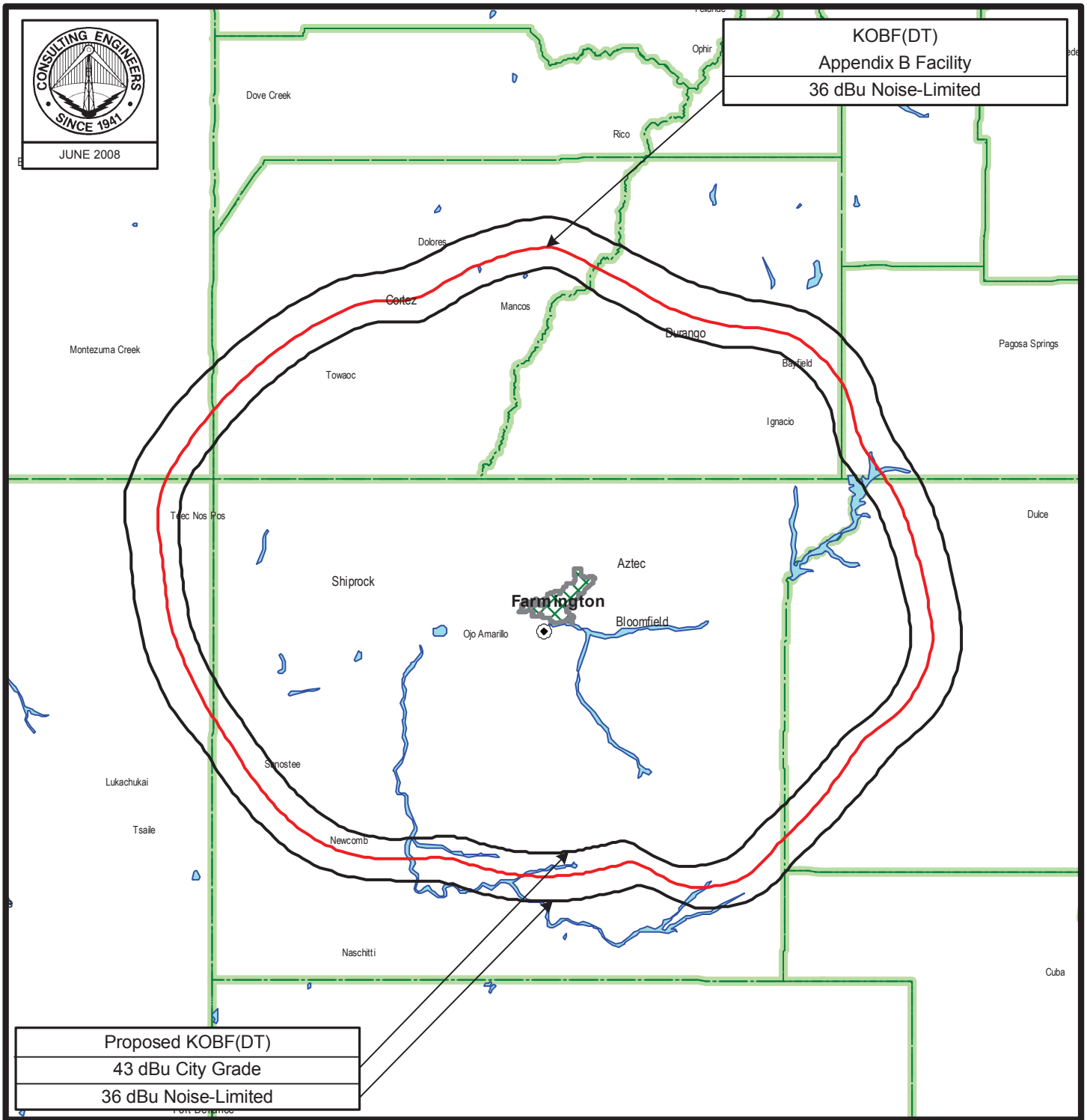


Exhibit E
(Nielsen Viewing Data)

Geography: La Plata Co., CO

Data Stream: Live+Same Day

Custom Range: Custom Range 1

Time	Viewing Source	NOV 15 HH						FEB 16 HH						MAY 16 HH						JUL 16 HH						4 BOOK AVERAGE (NOV '15, FEB, MAY, JUL '16)											
		TV Households		Non Cable Non ADS		Cable ADS		TV Households		Non Cable Non ADS		Cable ADS		TV Households		Non Cable Non ADS		Cable ADS		TV Households		Non Cable Non ADS		Cable ADS		TV Households		Non Cable Non ADS		Cable ADS		TV Households		Non Cable Non ADS		Cable ADS	
		RTG %	SHR %	RTG %	SHR %	RTG %	SHR %	RTG %	SHR %	RTG %	SHR %	RTG %	SHR %	RTG %	SHR %	RTG %	SHR %	RTG %	SHR %	RTG %	SHR %	RTG %	SHR %	RTG %	SHR %	RTG %	SHR %	RTG %	SHR %	RTG %	SHR %	RTG %	SHR %	RTG %	SHR %		
		(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)	(X.X)		
07:00 am - 01:00 am	KOAT-TV 7.1	1.2	2.5	1.2	2.5	1.2	2.5	1.7	3.7	1.7	3.7	1.7	3.6	2.0	4.8	2.0	4.8	2.1	4.8	1.9	3.9	1.9	3.9	2.1	3.9	1.7	3.7	1.7	3.7	1.7	3.7	1.8	3.7				
	KOB+	1.5	3.1	1.5	3.1	1.5	3.0	0.8	1.8	0.8	1.8	0.7	1.5	0.7	1.7	0.7	1.7	0.7	1.6	1.0	2.0	1.0	2.0	1.0	1.9	1.0	2.2	1.0	2.2	1.0	2.0						
	KRQE+	4.4	9.0	4.4	9.0	4.4	8.8	3.5	7.7	3.5	7.7	3.7	7.5	3.0	7.2	3.0	7.2	3.2	7.2	4.4	8.9	4.4	8.9	4.6	8.5	3.9	8.2	3.9	8.2	4.0	8.0						
	KASA-TV 2.1	0.9	1.9	0.9	1.9	0.9	1.8	0.8	1.7	0.8	1.7	0.7	1.4	0.6	1.3	0.6	1.3	0.5	1.1	0.1	0.2	0.1	0.2	0.1	0.2	0.6	1.3	0.6	1.3	0.5	1.1						
	KWBQ+	0.7	1.5	0.7	1.5	0.8	1.5	0.7	1.5	0.7	1.5	0.8	1.6	0.2	0.4	0.2	0.4	0.2	0.4	0.1	0.3	0.1	0.3	0.2	0.3	0.4	0.9	0.4	0.9	0.5	1.0						
	KASY-TV 50.1	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.1	0.0	0.1							
	KRTN-TV 33.1	0.7	1.4	0.7	1.4	0.7	1.4	0.8	1.7	0.8	1.7	0.7	1.5	1.0	2.4	1.0	2.4	1.0	2.3	1.5	2.9	1.5	2.9	1.5	2.9	1.0	2.1	1.0	2.1	1.0	2.0						
	KNME-TV 5.1	0.1	0.1	0.1	0.1	0.1	0.1	0.0	0.1	0.0	0.1	0.0	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.1	0.2	0.1	0.2	0.1	0.1	0.1	0.1	0.1							
	KLUZ-TV 41.1	0.1	0.1	0.1	0.1	0.1	0.2	0.1	0.2	0.1	0.2	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.1	0.0	0.1						
	KTEL-TV 25.1	0.0	0.1	0.0	0.1	0.0	0.1	0.1	0.2	0.1	0.2	0.1	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.1	0.0	0.1						
	KUSA 9.1	0.2	0.4	0.2	0.4	0.2	0.4	0.0	0.1	0.0	0.1	0.0	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.2	0.1	0.2	0.1	0.2						
	KDVR 31.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0						
	KMGH-TV 7.1	0.1	0.2	0.1	0.2	0.1	0.2	0.0	0.1	0.0	0.1	0.0	0.1	0.0	0.1	0.0	0.1	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.1	0.0	0.1						
	KCNC-TV 4.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0						
	TOTAL ABQ-SF ST.	9.6	19.7	9.6	19.7	9.7	19.4	8.7	18.8	8.7	18.8	8.7	17.7	7.6	18.0	7.6	18.0	7.8	17.6	9.2	18.5	9.2	18.5	9.6	17.9	8.8	18.7	8.8	18.7	9.0	18.2						
	TOTAL DENVER ST.	0.3	0.6	0.3	0.6	0.3	0.6	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.1	0.2	0.1	0.2	0.0	0.1	0.0	0.1	0.0	0.1	0.2	0.1	0.2	0.1	0.3						

* - Below Minimum Sample Size (for internal use only)

This report uses Sum of Weights for its calculations.

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Exhibit F
(Distance from Albuquerque, NM to Durango, CO)

11/21/2016

Albuquerque, NM to Durango, CO - Google Maps

Google Maps

Albuquerque, NM to Durango, CO

Drive 215 miles, 3 h 33 min

